

be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 134, "An Act prohibiting the setting of any steel trap, snare, or deadfall in Panola County for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 432, "An Act to amend Section 1 of Article 952 of the Penal Code of Texas, by adding thereto Wilson County, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 301, "An Act prohibiting the taking of fur-bearing animals in Shelby County; providing a suitable penalty for violation of this Act; repealing all laws or parts of laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

## SENT TO THE GOVERNOR

February 16, 1939

House Bill No. 212.

House Bill No. 134.

House Bill No. 432.

House Bill No. 301.

House Concurrent Resolution No. 38.

## TWENTY-FOURTH DAY

(Monday, February 20, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Dickson
Allen	Dickson
Allison	Dowell
Alsup	Dwyer
Anderson	Faulkner
Bailey	Ferguson
Baker	Fielden
of Fort Bend	Fuchs
Baker of Grayson	Galbreath
Bell	Gilmer
Blankenship	Goodman
Bond	Gordon, Mrs.
Boyd	Hale
Boyer	Hamilton
Bradbury	Hankamer
Bradford	Hardeman
Bray	Hardin
Bridgers	Harp
Broadfoot	Harper
Brown of Cherokee	Harrell of Bastrop
Brown	Harrell of Lamar
of Nacogdoches	Harris
Bundy	Hartzog
Burkett	Heflin
Burney	Holland
Cauthorn	Howard
Celaya	Howington
Chambers	Hull
Clark	Hunt
Cleveland	Isaacks
Cockrell	Johnson of Ellis
Coleman	Johnson of Tarrant
Colquitt	Kennedy
Colson, Mrs.	Kern
Cornett	Kerr
Corry	Kersey
Crossley	Kinard
Daniel	King
Davis of Jasper	Langdon
Davis of Upshur	Lehman
Dean	Leonard
Derden	Leyendecker

Little	Robinson
Lock	Russell
Loggins	Schuenemann
London	Segrist
Mays	Shell
McAlister	Skiles
McDaniel	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McMurry	Spencer
Mohrmann	Stinson
Monkhouse	Stoll
Montgomery	Talbert
Morris	Tarwater
Newell	Taylor
Nicholson	Tennant
Oliver	Thornberry
Olsen	Thornton
Pace	Turner
Petsch	Vale
Pevehouse	Vint
Piner	Waggoner
Pope	Weldon
Ragsdale	Wells
Reader of Bexar	Westbrook
Reader of Erath	White
Reaves	Wilson
Reed	Winfree
Rhodes	Wood
Riviere	Worley
Roach	Wright
Roberts	

Absent

Felty                      Smith of Frio

Absent—Excused

Donaghey	McNamara
Keith	Voigt

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, Thou knowest the thoughts and intents of our hearts, and that we would do all that we can for the best interests of our people. Clear our minds as to our duties, and as we proceed day by day help us to plan for the permanent good of all in our far-reaching activities. In Jesus' name. Amen."

#### LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Donaghey for today, on motion of Mr. Gilmer.

Mr. McNamara for today, on motion of Mr. Wilson.

Mr. Keith for today, on motion of Mr. Morris.

The following Member was granted leave of absence on account of illness:

Mr. Voigt for today, on motion of Mr. Riviere.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Brown of Cherokee:

H. B. No. 579, A bill to be entitled "An Act amending Sections 3, 4, 5 and 7 of Chapter 97, Acts of the Regular Session of the Forty-fourth Legislature of the State of Texas, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Morris:

H. B. No. 580, A bill to be entitled "An Act authorizing and empowering any city to issue its negotiable bonds, payable from revenues other than taxation, for the purchase, construction, repair, improvement, extension or enlargement of its water system, sanitary sewer system, natural gas system, or electric light and power system, the purchase of additional water powers, lands for reservoirs, sewage, disposal plants and other water or sewer purposes, and riparian rights, and the purchase and improvement of parks and/or swimming pools, or either one or all of said purposes; providing that such bonds shall be solely a charge upon the revenues and properties pledged to secure their payment; providing that such bonds shall not be issued unless the proposition is first submitted to and authorized by a majority of the qualified voters who own taxable property in such city and who have duly rendered the same for taxation, voting at an election held for that purpose; providing that the method of ordering and holding such election shall be governed by the laws regulating elections for the issuance of city bonds; providing that said bonds shall be redeemed or paid by an appropriation or pledge of the net revenues derived from the operation of either one or any or all of said utility systems, and may be additionally secured by mortgage on any or all of the properties comprising any such system; defining the words 'net revenues' and

defining the words 'reasonable expense of operating and maintaining such system, service or enterprise;' providing that said bonds shall mature not later than 40 years from their date and shall bear interest not to exceed six per centum per annum; providing that said bonds shall be signed by the mayor and countersigned by the city secretary, and shall be approved by the Attorney General and registered by the State Comptroller, as in the case of municipal bonds; providing that the holder of such obligations shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that within the discretion of the governing body payment of said bonds may be additionally secured by an indenture, mortgage or deed of trust, given by the city to a bank or banking institution in this State, with trust powers, whereby the city may mortgage and pledge all or any part of the lands and other properties comprising any such system, and all net revenues to be derived from the operation thereof; providing that such indenture shall be recorded in the deed of trust and mortgage records of the county or counties in which such properties may be situated; providing that such indenture may also provide for a grant of a franchise to the purchaser under sale or foreclosure thereunder to operate the properties so encumbered for a term of not over 20 years after such purchase, subject to all laws regulating same then in force, but the city may have the right at any five-year period within said 20 years to repurchase said properties; providing that the revenues or income of any such system shall be sufficient to pay all charges necessary to render efficient service, and the principal and interest on said bonds, and all other outstanding indebtedness; . . . etc.; providing that no election shall be required to authorize additional bonds for a sum less than Five Thousand Dollars, when issued for the purpose of constructing necessary repairs and extensions, or purchasing additional necessary equipment or machinery; authorizing refunding bonds . . . etc.; validating all elections authorizing revenue bonds for the purpose of paying off and discharging indebtedness of public utility system designated in election proceedings; etc.; . . . providing this Act shall not repeal Chap-

ter 33, Acts, Thirty-ninth Legislature, Regular Session in 1925, as amended by Chapter 36, Acts, Forty-third Legislature, First Called Session in 1933, nor Chapter 314, Acts, Forty-second Legislature, Regular Session in 1931, and authorizing cities operating thereunder to take advantage of this Act; providing this Act shall not repeal any validating Act; repealing Articles 1111, 1112, 1113 and 1114, Revised Statutes of 1925, as amended, and also Articles 1115, 1116, 1117 and 1118, of said statutes, Sections 8a and 11, of Chapter 163, Acts, Forty-second Legislature, Regular Session in 1931, Chapter 19, Acts, Forty-third Legislature, Third Called Session in 1934, and Chapter 18, Acts, Forty-third Legislature, Fourth Called Session in 1934, as amended by House Bill No. 164, Acts, Forty-fifth Legislature, Second Called Session in 1937; providing the necessary matters and things incidental to and necessary for the carrying out of the purposes of this Act, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Hardeman:

H. B. No. 581, A bill to be entitled "An Act to amend Article 776 of the Penal Code and Article 776a of said Penal Code, the same being Section 4, Chapter 43, passed at the Regular Session of the Forty-second Legislature, in 1931, and further defining and limiting offenses to which the suspended sentence applies, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Hardeman:

H. B. No. 582, A bill to be entitled "An Act amending Section 16 of Chapter 466, passed at the Second Called Session of the Forty-fourth Legislature, in 1935, and appearing as Article 6687a, Section 16, of the Revised Civil Statutes, so as to extend the suspension of driver's license when a suspended sentence is entered for certain felonies, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Hardeman:

H. B. No. 583, A bill to be entitled "An Act to amend Chapter 8, Trial of Causes, Subdivision 4, Charge of the Court, Articles 2184, 2185, 2186,

2187, 2188, 2189 and 2190, of the Revised Civil Statutes of Texas, 1925, with respect to the charge of the court to the jury in the trial of civil cases, providing that every civil case tried before a jury in the District or County Court shall be upon a written charge prepared for submission for a general verdict or for a finding upon special issues; that the method of submission shall be at the option of the judge, except when one of the parties request the submission upon special issues; providing the requisites of such charge; providing for the review of the court's action with respect thereto; providing for the submission of special charges with respect to instructions, definitions, explanations or issues regulating the procedure; providing for objections to the court's charge and regulating the procedure with respect thereto; providing for the submission of special issues, authorizing requests therefor and regulating the procedure with respect thereto; providing the penalty of waiver for violations of the requirements of the Act with respect to the submission and prescribing the rule of presumptions on appeal; declaring the rule of reversal of judgments of the trial court and declaring procedure with respect thereto on appeal; containing a saving clause with respect to cases finally tried prior to the effective date of this Act; repealing all laws and parts of laws in conflict, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Hardeman:

H. B. No. 584, A bill to be entitled "An Act to amend Article 2190 of the Revised Civil Statutes of Texas, 1925 with respect to the submission of cases upon special issues; providing that each party shall present in writing to the court before submission the theory or theories of recovery or defense which he desires to have submitted; that any theory of recovery or defense not so requested shall be deemed to be waived; that it shall be the duty of the court to prepare and submit all issues and elements of recovery or defense that have been thus suggested that are made by the pleadings and the evidence; that a failure to submit an element or issue of any cause or defense or theory or cause of defense thus submitted, shall not be deemed ground for reversal of the judgment,

unless its submission has been requested in writing by the party complaining of the judgment; providing that on appeal such an issue not submitted and not requested is deemed as found by the court in such manner as to support the judgment, if there is evidence to sustain such finding; that no judgment shall ever be reversed for the want of a jury finding upon such omitted issue; repealing all laws and parts of laws in conflict, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Bradbury:

H. B. No. 585, A bill to be entitled "An Act to reorganize the 104th Judicial District of the State of Texas; and to prescribe the time, and fix the terms of holding the courts in the several counties thereof; and to conform all writs and process from such courts to such changes, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties of said district as herein fixed, and to validate old process and to validate the summoning of Grand and Petit Jurors and Juries; repealing all laws and parts of laws in conflict herewith and fixing the time when this Act shall become effective, and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Bradbury:

H. B. No. 586, A bill to be entitled "An Act to amend Articles 6050, 6051, 6052, 6053, 6054, 6055, 6056, 6057, 6058, 6059 and 6060, more fully defining public utilities; providing for their regulation, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Bond:

H. B. No. 587, A bill to be entitled "An Act providing the amount of traveling expenses that shall be allowed by the County Board of Trustees to the County Superintendent of Public Instruction for expenditures for traveling expenses in certain counties, according to the last preceding Federal Census or any subsequent Federal Census; repealing all laws and parts of laws in conflict

herewith to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Burney:

H. B. No. 588, A bill to be entitled "An Act providing for the sale of State property purchased from funds appropriated to the State Highway Department; the manner of making such sales; the disposition to be made of the money from any such sale, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Mays:

H. B. No. 589, A bill to be entitled "An Act making appropriation to pay past due rent on armories from March 1, 1932, to August 31, 1932, under lease to the National Guard of the State of Texas, and authorizing payment of said rent on taking effect of this Act; ratifying and confirming lease contracts made during this period by the Adjutant General of the State of Texas, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Bell:

H. B. No. 590, A bill to be entitled "An Act to provide an emergency appropriation of Twenty Thousand Dollars (\$20,000.00) payable out of any funds in the State Treasury, not otherwise appropriated, for the use and benefit of the Gas Utilities Division of the Railroad Commission of Texas and for the use and benefit of the Attorney General's Department; providing for repayment of said sum to the general revenue, and further providing certain conditions and restrictions upon use of said sum, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Baker of Fort Bend:

H. B. No. 591, A bill to be entitled "An Act to eliminate solitary confinement cells or 'dark cells' in all jails in this State, and providing for the regulation of solitary confinement cells or 'dark cells' in the Texas Prison System, defining certain terms; providing a penalty for the violation of the provisions of this Act; repealing all laws or parts of laws in

conflict herewith, and declaring an emergency."

Referred to the Committee on Penitentiaries.

By Mr. Hankamer:

H. B. No. 592, A bill to be entitled "An Act making an emergency appropriation for the balance of the fiscal year ending August 31, 1939, to pay the salary and necessary traveling, engineering, clerical and miscellaneous expenses of the Rio Grande Compact Commissioner for Texas in connection with the negotiation, administration and enforcement of the permanent Rio Grande Compact between the States of Texas, Colorado and New Mexico, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Reader of Erath:

H. B. No. 593, A bill to be entitled "An Act prohibiting the practice of civil law by District and County Attorneys whose salary exceeds \$2,000.00 per annum; prohibiting the acceptance of compensation in addition to the salary for the prosecution of any criminal case in any court, and providing a penalty for violation."

Referred to the Committee on Judiciary.

By Mr. Hankamer:

H. B. No. 594, A bill to be entitled "An Act to amend Chapter 2 of Title 128 of the Revised Civil Statutes of 1925, so as to provide for dividing Water Improvement Districts organized or operating under said Chapter, when such Districts are operating under contract with the Department of the Interior of the Government of the United States, into districts for the election of directors thereof; and requiring directors thereof to be owners of land subject to taxation in the district from which they are elected; and to provide for the election of such directors by the vote of the qualified electors of the whole irrigation district; and to provide penalties if any person shall fail or refuse to pay the taxes or water charges imposed upon him, or upon his property, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Rhodes:

H. B. No. 595, A bill to be entitled "An Act fixing the compensation of

sheriffs in all counties of the State of Texas having a population of not less than twenty-seven thousand, two hundred and thirty-five (27,235) and not more than twenty-seven thousand, three hundred (27,300), according to the last Federal Census, in which there are no district attorneys; providing for the appointment by such sheriffs of such counties of at least one (1) special deputy sheriff and one (1) deputy sheriff; prescribing the powers and duties of such deputies; fixing the compensation therefor; providing mode and manner of payment of such salaries; providing that this Act shall be cumulative of all other Acts not in conflict herewith; repealing all laws and parts of laws in conflict to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Hamilton and Mr. Pevehouse:

H. B. No. 596, A bill to be entitled "An Act providing in certain counties transportation on pupils hauled from districts where school houses have been burned, and requiring the proper officials to compute and pay transportation because of said burned school house in accordance with the cost of transportation, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Hull:

H. B. No. 597, A bill to be entitled "An Act to amend Section 3 of Article 6687a of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Isaacks:

H. B. No. 598, A bill to be entitled "An Act relating to the payment of the prevailing rate of wages on public works; defining certain terms as used in this Act; providing the general rate of wages shall be paid; providing for predetermination of the prevailing rate of wages; requiring a public body to pay the prevailing rate of wages on any works constructed, repaired or improved by its own forces; providing that contractors shall be required to pay the stipulated wage schedule; requiring records to

be kept; making certain exceptions; providing a penalty; repealing Chapter 45 of the Acts of the Forty-third Legislature, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Clark:

H. B. No. 599, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Stephens County, Texas, and to conform the jurisdiction of the District Courts of such County to such change; to preserve the jurisdiction and power of the County Court of Stephens County, Texas, over certain final judgments rendered prior to the passage of this Act; to require the County Clerk of such County to transmit all papers in pending civil and criminal cases to the District Court of said County; and to continue in effect the filing date of papers previously filed in the County Court in said pending cases; to fix fees that the District Clerk of such County will be authorized to charge in connection with filing of papers so transmitted to him; to provide for the County Attorney of Stephens County, Texas, to represent the State in misdemeanor cases in the District Court, and to declare an emergency."

Referred to the Committee on Judicial Districts.

By Mr. White, Mr. Mays and Mr. Harper:

H. B. No. 600, A bill to be entitled "An Act to amend Subsection 5 of Article 199, Revised Civil Statutes as amended by Chapter 143, Acts, 1937, Forty-fifth Legislature."

Referred to the Committee on Judicial Districts.

By Mr. Faulkner:

H. B. No. 601, A bill to be entitled "An Act amending Section 5 of Chapter 3 of the General Laws of the Second Called Session of the Forty-third Legislature, as amended by House Bill No. 515, Chapter 21, page 63, of the General and Special Laws of the Forty-fourth Legislature, Regular Session, 1935, making it a misdemeanor for any person to operate a passenger car, commercial motor vehicle or truck-tractor on public highways during any month of motor

vehicle registration year, without having attached to and displayed thereon two (2) license number plates, one plate at the front and one at the rear, lawfully assigned for said vehicle for that current registration year; provided this provision shall not apply to dealers operating vehicles under present provisions of the law; and providing that registration license plates may be purchased during the months of February and March of each year and used from and after February 1 preceding the registration year for which issued; providing penalties for violation of said Act, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Goodman:

H. B. No. 602, A bill to be entitled "An Act creating the 128th Judicial District; fixing the time for holding the terms of court in said District in the various counties composing the same, providing for a District Judge and a District Attorney for said District, providing that the District Clerk in each county of the 128th Judicial District herein created shall also act as clerk, in his respective county, of the District Court of the 128th Judicial District; giving the 70th Judicial District and the 128th Judicial District herein created concurrent jurisdiction in Midland and Ector Counties; and providing that either of the Judges of said District Courts for said Midland and Ector Counties may in his discretion transfer cases to said other District Court, giving the 109th Judicial District and the 128th Judicial District herein created concurrent jurisdiction in Crane and Ward Counties; and providing that either of the Judges of said District Courts for said Crane and Ward Counties may in his discretion transfer cases to said other District Court; providing that the Sheriff in each of the counties in the 128th Judicial District herein created shall also perform the duties, in his respective county, in connection with said Court as provided by General Law in connection with the District Courts; and reorganizing and prescribing the time for holding court in the 70th Judicial District and the 109th Judicial District; and providing that the process heretofore issued in said District shall be returnable to

the proper terms created by this Act, and making necessary provision for all writs, records, papers issuing out of said Courts; and providing for all matters and things necessary and incidental to the main purpose of this Act, providing for the expiration of this Act in so far as it pertains to the 128th Judicial District, and thereupon the transfer of cases, matters and things to the 70th and 109th District Courts; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judicial Districts.

#### BILL ORDERED NOT PRINTED

On motion of Mr. Anderson, Senate Bill No. 159 was ordered not printed.

#### HOUSE BILL NO. 11 ORDERED PRINTED

Mr. Morris moved that House Bill No. 11, reported adversely, with a minority favorable report, be printed.

Mr. Thornton moved to table the motion by Mr. Morris.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

#### Yeas—34

Alsup	Nicholson
Blankenship	Olsen
Bradford	Pace
Bridgers	Petsch
Cauthorn	Riviere
Colquitt	Robinson
Corry	Schuenemann
Dickson	Smith
Gilmer	of Matagorda
Gordon, Mrs.	Tarwater
Hankamer	Taylor
Heflin	Tennant
Howard	Thornton
Hull	Vale
Isaacks	Vint
McAlister	Wood
McFarland	Wright
Monkhouse	

#### Nays—99

Allen	Bond
Allison	Boyd
Anderson	Boyer
Bailey	Bradbury
Baker	Bray
of Fort Bend	Broadfoot
Baker of Grayson	Brown of Cherokee
Bell	Brown

of Nacogdoches	Langdon
Burkett	Lehman
Burney	Leyendecker
Chambers	Lock
Clark	London
Cleveland	Mays
Cockrell	McDonald
Coleman	McMurry
Colson, Mrs.	Mohrmann
Cornett	Montgomery
Crossley	Morris
Daniel	Newell
Davis of Jasper	Oliver
Davis of Upshur	Pevehouse
Dean	Piner
Derden	Ragsdale
Dickison	Reader of Bexar
Dowell	Reader of Erath
Faulkner	Reaves
Ferguson	Reed
Fielden	Rhodes
Fuchs	Roach
Galbreath	Roberts
Hale	Russell
Hamilton	Segrist
Hardeman	Shell
Hardin	Skiles
Harper	Smith of Hopkins
Harrell of Bastrop	Spencer
Harrell of Lamar	Stinson
Harris	Stoll
Hartzog	Talbert
Holland	Thornberry
Howington	Turner
Hunt	Waggoner
Johnson of Ellis	Weldon
Johnson of Tarrant	Wells
Kennedy	Westbrook
Kern	White
Kerr	Wilson
Kersey	Winfree
Kinard	Worley
King	

## Absent

Rundy	Leonard
Celaya	Little
Dwyer	Loggins
Felty	McDaniel
Goodman	Pope
Harp	Smith of Frio

## Absent—Excused

Donaghey	McNamara
Keith	Voigt

Question then recurring on the motion by Mr. Morris, that House Bill No. 11 be printed, it prevailed.

#### RELATIVE TO REPAIR AND REHABILITATION OF STATE CAPITOL BUILDING

Mr. Boyd offered the following resolution:

H. S. R. No. 130, Relative to repair

and rehabilitation of State Capitol Building.

Whereas, Heretofore by House Simple Resolution No. 105, at the Forty-sixth Legislature, authorized and directed the Speaker of the House to appoint a committee of five (5) members for the purpose of studying rentals being paid by the State of Texas for housing State Departments or parts thereof, and authorizing said committee to report the amount of rentals paid and to make such suggestions as deemed proper thereby; and

Whereas, Said committee is now holding hearings in pursuant to such resolution; and

Whereas, The Forty-fifth Legislature directed the Board of Control to employ architects and engineers to inspect the Capitol Building and to make their report to the Legislature as to the condition thereof with reference to need of repair and rehabilitation together with recommendation as to such repair and rehabilitation and the proper cost thereof; now, therefore, be it

Resolved, That the committee appointed pursuant to House Simple Resolution No. 105 be authorized and directed to obtain the report of such engineers and architects, and to include in the report of the committee such recommendation to the House of Representatives as they deem proper concerning the repair and rehabilitation of the State Capitol Building; and further, that the committee be instructed to begin their investigation upon this matter as soon as practicable to the end that such information as to the necessary repair and rehabilitation of the State Capitol be available to the Legislature at the same time such committee makes its report to the Legislature as provided in House Simple Resolution No. 105.

BOYD,  
THORNBERRY.

The resolution was read second time, and was adopted.

#### REQUESTING CERTAIN INFORMATION IN REGARD TO TRANSACTION TAX

Mr. Galbreath offered the following resolution:

H. S. R. No. 131, Requesting certain information in regard to transaction tax.



Whereas, The Governor stated a number of experts assisted him in the preparation of the transactions tax bill; and

Whereas, Testimony and statements so far before committees of this House indicate that the membership need the information, data, and expert understanding of the bill possessed by those who prepared it;

Resolved, That the House invite those persons who assisted the Governor in the preparation of this bill to appear before committees and give the committees and membership of the House the benefit of their expert knowledge and understanding of the measure and its effects.

The resolution was read second time, and was adopted.

#### PROVIDING FOR CERTAIN INVESTIGATION OF THE COTTON INDUSTRY OF TEXAS

Mr. Kerr offered the following resolution:

H. S. R. No. 132, Providing for certain investigation in regard to the cotton industry of Texas.

Whereas, The entire citizenship of the State of Texas, farmers, business men, consumers, and city and farm laborers, are materially affected and vitally concerned by the annual cotton crop, and prices received for the same; and

Whereas, The recent and present cotton control program fosters rank discrimination against the vast majority of the cotton farmers of Texas; and

Whereas, Of the funds expended in the form of benefit checks, the large and wealthy land operators are given a "lion's share" of the money, as exemplified by two and one-half (2½) per cent receiving twenty-five (25) per cent of all the money, and twelve and one-half (12½) per cent of all checks granting fifty (50) per cent of all the money expended; and

Whereas, Large operators and "landgrabbers" under the influence of the present cotton program have discharged and are discharging thousands and thousands of their tenants, thereby throwing the tenants and their families out of employment; and

Whereas, The restriction of cotton production has not only been a great factor in causing unemployment

lower incomes, W. P. A., pension and relief demands, but also it has been a great detriment in that property values and revenues have been decidedly reduced; and

Whereas, Notwithstanding a deluge of argument to the contrary, there is no tangible and conclusive evidence that the announced intents and purposes of the cotton control program has, or will be, accomplished; and

Whereas, The authority for governmental regulation, and restriction of cotton production is based upon so-called cotton referendum elections; and

Whereas, A recent said referendum was fostered, held and financed by the AAA officers, employees, agents and committees who were paid, directly or indirectly, by the Secretary of Agriculture, and whose future employment depended upon said referendum being favorable to the continuance of such program; and

Whereas, The said employees and officers are reported to have used State and Federal Funds, and their own time while on the official pay roll, to foster and promote the carrying of such referendum; and

Whereas, Such employees and officers, by various unfair maneuvers, by not using secret ballots at the polls, by placing the election boxes at locations difficult for the farmers to attend, by failing and refusing to place election boxes in those communities that were known to oppose the program, and by other miscellaneous methods influenced the said referendum to such an extent that it does not constitute a true, fair and representative expression of the will of the farmers and people of Texas; and

Whereas, There is no State-wide bona fide independent farmers' organization to express the farmers' views upon this situation; now, therefore, be it

Resolved, That the Speaker of the House of Representatives appoint a committee composed of three (3) members, which committee shall perform the following functions and duties and be given necessary powers to do so:

(a) Review the problems of the cotton industry of Texas, particularly as to production and marketing.

(b) Make a thorough investigation, hold hearings, issue subpoenas for witnesses, and subpoenas duces

tecum, and every other process necessary to make said investigation, and to interrogate such witnesses. And for that purpose said committee shall be given the same power and authority as is now given to District Courts of this State. Said committee shall assemble true and accurate reports relative to the recent cotton referendum; to problems (foreign and domestic) of production, marketing, prices; to quantity, grade, and location of cotton surpluses; to quasi public activities relative to the cotton industry and programs; and each and every fact pertinent and necessary to a complete and accurate report of the situation and status of cotton.

(c) Said committee shall meet and begin its work at as early date as possible, preferably during the Regular Session of the Forty-sixth Legislature, but if not, as soon after adjournment of said Session as is possible, and shall thereafter meet at such times and places as the chairman of said committee may designate.

(d) The committee shall make known its reports or findings, in part or in whole, upon completion or from time to time, as the committee may deem proper, to the Regular Session of the Forty-sixth Legislature, or the next Special or Regular Session thereafter, to the public press, and to the Texas United States Congressional delegation.

(e) There is hereby appropriated out of the Contingent Expense Fund of the House, the sum of One Thousand (\$1,000.00) Dollars, or as much thereof as may be necessary for the purpose of carrying out provisions of this resolution, and the paying of the expenses of the committee. Said money shall be paid out only upon sworn accounts of said committee, which shall be approved by the Speaker of the House and the Chairman of the Contingent Expense Committee of the House, and shall be paid by voucher or warrant issued in the manner now pursued for paying such bills and accounts.

KERR,  
CELAYA,  
BUNDY,  
LEYENDECKER,  
McFARLAND,  
PACE,  
HARDIN,  
ANDERSON,

DWYER,  
HEFLIN,  
PETSCH,  
JOHNSON of Tarrant,  
CORY.

The resolution was read second time.

Mr. Tarwater moved that the resolution be referred to the Committee on Agriculture.

Mr. Kerr moved to table the motion to refer the resolution.

The motion to table was lost.

Question then recurring on the motion to refer the resolution to the Committee on Agriculture, it prevailed.

#### EXPRESSING APPRECIATION FOR SERVICES OF LOUISE SNOW PHINNEY

Mr. Reed offered the following resolution:

H. S. R. No. 129, Commending Louise Snow Phinney.

Whereas, Louise Snow Phinney has serve the State of Texas since 1925, when, as Louise Snow, a journalism student at the University of Texas she was appointed assistant to the Chief Clerk of the House of Representatives, and upon the resignation of the Chief Clerk, Carl Phinney, on February 4, 1927, during a Regular Session of the Fortieth Legislature she was elected Chief Clerk, and was continuously re-elected Chief Clerk of the Forty-first, Forty-second, Forty-third, Forty-fourth and Forty-fifth Legislatures; and

Whereas, As Chief Clerk Louise Snow Phinney had general charge and supervision, under the direction of the Speaker, over the secretarial work of the House, over committee clerks, and of the recording and other clerical work of the 41 legislative committees and over other employees of the House. It was her duty to file and number bills and joint and concurrent resolutions, and under the direction of the Speaker to refer them to the proper committee, to transmit messages from the House to the Senate, to attest all writs, warrants and subpoenas issued by order of the House and to certify to the passage of bills and joint resolutions, and at the end of each session to keep safe reports, records, bills and papers and to file same with the proper State official. In addition to her other duties she issued warrants and vouchers of what-

ever character and kept an accurate account with all Members and employees of the House.

Whereas, During her long service as Chief Clerk Louise Snow Phinney exhibited an executive ability equalled by few, a keen insight into governmental affairs and an understanding of parliamentary law and procedure, she performed her duties in a manner surpassed by none and exhibited characteristics of constructive and conspicuous leadership in her faithful and loyal service to the Legislature; and

Whereas, The House of Representatives desires to commend Louise Snow Phinney for her outstanding public service and her untiring and unselfish labor and fidelity to duty in behalf of the State of Texas, through an appropriate resolution to be placed among the permanent records of this House; therefore, be it

Resolved by the House of Representatives, That this testimonial of esteem and regard for Louise Snow Phinney be placed in the Journal of the Forty-sixth Legislature, and that a copy of this resolution be mailed to her.

REED,  
STINSON,  
McDANIEL,  
SEGRIST,  
BLANKENSHIP,  
COLQUITT.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Al-  
lison, Alsup, Anderson, Bailey, Baker  
of Fort Bend, Baker of Grayson, Bell,  
Bond, Boyd, Boyer, Bradbury, Brad-  
ford, Bray, Bridgers, Broadfoot,  
Brown of Cherokee, Brown of Nacog-  
doches, Bundy, Burkett, Burney,  
Cauthorn, Celaya, Chambers, Clark,  
Cleveland, Cockrell, Coleman, Mrs.  
Colson, Cornett, Corry, Crossley, Dan-  
iel, Davis of Jasper, Davis of Upshur,  
Dean, Derden, Dickison, Dickson, Don-  
aghey, Dowell, Dwyer, Faulkner,  
Felty, Ferguson, Fielden, Fuchs, Gal-  
breath, Gilmer, Goodman, Mrs. Gor-  
don, Hale, Hamilton, Hankamer,  
Hardeman, Hardin, Harp, Harper,  
Harrell of Bastrop, Harrell of Lamar,  
Harris, Hartzog, Heflin, Holland,  
Howard, Howington, Hull, Hunt,  
Isaacks, Johnson of Ellis, Johnson of  
Tarrant, Keith, Kennedy, Kern, Kerr,  
Kersey, Kinard, King, Langdon, Leh-  
man, Leonard, Leyendecker, Little,  
Lock, Loggins, London, Mays, Mc-

Alister, McDonald, McFarland, Mc-  
Murry, McNamara, Mohrmann, Monk-  
house, Montgomery, Morris, Newell,  
Nicholson, Oliver, Olsen, Pace, Petsch,  
Pevehouse, Piner, Pope, Ragsdale,  
Reader of Bexar, Reader of Erath,  
Reaves, Rhodes, Riviere, Roach, Rob-  
erts, Robinson, Russell, Schuenemann,  
Shell, Skiles, Smith of Frio, Smith of  
Hopkins, Smith of Matagorda,  
Spencer, Stoll, Talbert, Tarwater,  
Taylor, Tennant, Thornberry, Thorn-  
ton, Turner, Vale, Vint, Voigt, Wag-  
goner, Weldon, Wells, Westbrook,  
White, Wilson, Winfree, Wood, Wor-  
ley and Wright.

On the motion of Mr. Thornton, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

#### CONCERNING ENDORSEMENT OF CERTAIN CLUB OF HARRIS COUNTY

Mr. Winfree offered the following resolution:

H. S. R. No. 133, Concerning en-  
dorsement of certain club of Harris  
County.

Whereas, There has been organized  
in the City of Houston, Harris  
County, Texas, the "Over Forty  
Club," which has for its purpose:

To acquaint employers in private  
industry with the urgent need for  
providing employment for men over  
forty.

To cooperate with employers in pri-  
vate industry and assist in furnishing  
them with the qualification and names  
of men over forty in need of employ-  
ment.

To offset, by personal messages and  
city, State and national distribution  
of a suitable publication discrimina-  
tion against qualified workers because  
of age limits.

To maintain constant contact with  
public officials, city, county, State  
and national, urging their cooperation  
with our program and soliciting their  
active support of legislation desig-  
nated to end discrimination against  
this large percentage of citizens of  
our country merely because they have  
passed an arbitrarily established age  
line.

To invite all men over forty who  
are unemployed to cooperate with us  
and assist us to help them find per-

manent employment in keeping with their experience and abilities.

To invite every citizen, regardless of age, to join with us in this program which will react to the benefit of people of all ages and all walks of life in the nation; and

Whereas, Each and every purpose as above stated, is commendable; therefore be it

Resolved by this House, That it go on record as being in hearty accord with the purposes set out above, and that a copy of this resolution be sent to the officers of the "Over Forty Club," of Houston.

The resolution was read second time, and was adopted.

Mr. Bray moved to reconsider the vote by which the resolution was adopted.

The motion to reconsider prevailed.

On motion of Mr. Winfree, the resolution was referred to the Committee on State Affairs.

#### RELATIVE TO DEBATE IN THE HOUSE AND SENATE

Mr. Dwyer offered the following resolution:

H. S. R. No. 136, Concerning discussion and debate in House and Senate.

Whereas, There should be harmonious action and the spirit of cooperation should at all times prevail between the Legislature and other branches of government; and

Whereas, Any intemperate remark upon the floor of either House denouncing by personal reference either the chief executive or the heads of other branches of government should be beneath the dignity of the Legislature; and

Whereas, On last Thursday certain Members of the Senate indulged in heated discussions of certain matters before that branch of the Legislature in which personal reference was made of the Governor and in which he was denounced in terms that were inappropriate and unwarranted and which were, we think, a reflection upon the orderly procedure of the Legislature and the dignity of the Senate; and

Whereas, The House of Representatives deplores the personal reference made of the Governor; and

Whereas, Such references are resented by the public generally; and

Whereas, The people of Texas believe in fair play and though any officer may make mistakes such fair play would require a sane, temperate and orderly discussion of the matters presented; and

Whereas, To refer to the Governor in heated controversy as was done in the Senate and make personal references was uncalled for and unwarranted and is deplored by this House; and

Whereas, The House of Representatives should go on record as condemning such action and deploring the fact that such proceedings and discussions were had; now, therefore, be it

Resolved by the House of Representatives, That this body go on record as disapproving and condemning the use in either branches of the Legislature of personal references and derogatory remarks against the chief executive and against any of the heads of the three branches of government, and it is so resolved.

The resolution was read second time.

Mr. Anderson raised a point of order, on consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

#### MESSAGE FROM THE SENATE

Austin, Texas, February 20, 1939:

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 8, Instructing the Highway Department to consider materials containing cotton in purchasing their supplies.

S. C. R. No. 9, Requesting the Board of Control to obtain an estimate of the cost of construction of a juvenile school for delinquent colored girls.

Passed

H. B. No. 228, A bill to be entitled "An Act authorizing certain cities to issue municipal bonds to fund the deficit in the wages of firemen and policemen of said cities; repealing all laws in conflict herewith, and declar-

ing an emergency." (With amendment.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

# HOUSE BILL NO. 74 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 74, A bill to be entitled "An Act creating a State Bar, constituting it an administrative agency of the Judicial Department of the State, defining the powers thereof, prescribing the membership thereof, and prohibiting those not members from practicing law; empowering the Supreme Court to adopt and promulgate rules and regulations for the admission to the practice of law, disciplining, suspending, and disbarring attorneys at law; for the conduct of the State Bar; prescribing a code of ethics governing the conduct of the members prescribing and limiting the fees to be paid by members, collection and disbursement thereof; preserving the right of trial by jury in disbarment proceedings; providing for repeal of all laws in conflict, and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Davis of Upshur, pending.

(Mr. Thornberry in the Chair.)

Mr. Derden moved to table the amendment.

The motion to table prevailed.

Mr. Kersey offered the following amendment to the bill:

Amend House Bill No. 74, page 2, line 5, by striking out the words "Five (\$5.00) Dollars" and inserting in lieu thereof the words "Two (\$2.00) Dollars".

Mr. Bond raised a point of order, on further consideration of the amendment, on the ground that the amendment seeks to amend a Section taken out of the bill by an amendment.

The Chair sustained the point of order.

Mr. Bond offered the following amendment to the bill:

Amend House Bill No. 74, by adding a new Section at the conclusion of Section 6, to be known as Section 6a, reading as follows:

"Section 6a. No disbarment proceeding against any attorney shall be instituted without giving such attorney an opportunity to be heard, nor shall any attorney be disciplined or suspended without an opportunity to be heard."

BOND,  
HARDEMAN.

Mr. Pope raised a point of order, on further consideration of the amendment, on the ground that it seeks to amend a statute without the proper reference.

The Chair overruled the point of order.

Mr. McAlister moved the previous question, on the amendment, and the engrossment of House Bill No. 74, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—72

Allen	Hull
Allison	Isaacks
Baker	Johnson of Ellis
of Fort Bend	King
Baker of Grayson	Langdon
Blankenship	Leyendecker
Bond	Lock
Boyd	Loggins
Bradbury	London
Bradford	McAlister
Bray	McDaniel
Bridgers	McDonald
Bundy	McFarland
Burkett	Montgomery
Cauthorn	Newell
Chambers	Petsch
Cleveland	Reader of Bexar
Cockrell	Reader of Erath
Colquitt	Reaves
Colson, Mrs.	Riviere
Cornett	Roach
Crossley	Robinson
Daniel	Russell
Derden	Segrist
Dowell	Smith
Dwyer	of Matagorda
Faulkner	Stinson
Ferguson	Stoll
Galbreath	Taylor
Gilmer	Tennant
Gordon, Mrs.	Thornberry
Hamilton	Turner
Hankamer	Waggoner
Harris	Wells
Hartzog	White
Howard	Wilson
Howington	Winfree

## Nays—49

Alsup	Kern
Anderson	Kersey
Bailey	Lehman
Bell	Leonard
Boyer	Mays
Broadfoot	McMurry
Brown of Cherokee	Mohrmann
Brown of Nacogdoches	Morris
Celaya	Oliver
Clark	Pace
Davis of Upshur	Pevehouse
Dickison	Pope
Dickson	Reed
Fielden	Rhodes
Fuchs	Roberts
Hale	Skiles
Hardeman	Smith of Hopkins
Hardin	Spencer
Harp	Talbert
Harper	Thornton
Harrell of Bastrop	Vint
Heflin	Weldon
Holland	Westbrook
Kennedy	Wood
	Worley

## Absent

Burney	Little
Coleman	Monkhouse
Corry	Nicholson
Davis of Jasper	Olsen
Dean	Piner
Felty	Ragsdale
Goodman	Schuenemann
Harrell of Lamar	Shell
Hunt	Smith of Frio
Johnson of Tarrant	Tarwater
Kerr	Vale
Kinard	Wright

## Absent—Excused

Donaghey	McNamara
Keith	Voigt

Question recurring on the amendment by Mr. Bond, it was adopted.

Question then recurring on the engrossment of House Bill No. 74, yeas and nays were demanded.

House Bill No. 74 was passed to engrossment by the following vote:

## Yeas—97

Allen	Blankenship
Allison	Bond
Alsup	Boyd
Anderson	Boyer
Baker	Bradbury
of Fort Bend	Bradford
Baker of Grayson	Bray
Bell	Bridgers

Brown of Nacogdoches	Leyendecker
Bundy	Little
Cauthorn	Lock
Cleveland	Loggins
Cockrell	London
Colquitt	McAlister
Colson, Mrs.	McDaniel
Cornett	McDonald
Crossley	McFarland
Daniel	Monkhouse
Derden	Montgomery
Dickson	Morris
Dickson	Newell
Dowell	Nicholson
Dwyer	Olsen
Faulkner	Pace
Ferguson	Petsch
Galbreath	Pevehouse
Gilmer	Piner
Gordon, Mrs.	Reader of Bexar
Hamilton	Reader of Erath
Hankamer	Reed
Hardeman	Riviere
Harp	Roach
Harper	Robinson
Harrell of Bastrop	Russell
Harrell of Lamar	Skiles
Harris	Smith
Hartzog	of Matagorda
Holland	Stinson
Howard	Stoll
Hull	Talbert
Hunt	Tarwater
Isaacks	Taylor
Johnson of Ellis	Thornton
Johnson of Tarrant	Turner
Kerr	Vale
Kinard	Waggoner
King	Wells
Langdon	White
Leonard	Wilson
	Winfree

## Nays—32

Bailey	Kersey
Brown of Cherokee	Lehman
Burkett	Mays
Celaya	McMurry
Chambers	Mohrmann
Clark	Oliver
Davis of Jasper	Pope
Davis of Upshur	Reaves
Fielden	Roberts
Fuchs	Smith of Hopkins
Hale	Spencer
Hardin	Vint
Heflin	Weldon
Howington	Westbrook
Kennedy	Wood
Kern	Worley

## Absent

Broadfoot	Coleman
Burney	Corry

Dean	Segrist
Felty	Shell
Goodman	Smith of Frio
Ragsdale	Tennant
Rhodes	Thornberry
Schuenemann	Wright

Absent—Excused

Donaghey	McNamara
Keith	Voigt

Mr. Stinson moved to reconsider the vote by which House Bill No. 74 was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### MOTION TO PLACE HOUSE BILL NO. 74 ON THIRD READING

Mr. Stinson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 74 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—100

Allen	Faulkner
Allison	Ferguson
Alsup	Fielden
Anderson	Galbreath
Baker	Gilmer
of Fort Bend	Gordon, Mrs.
Baker of Grayson	Hamilton
Bell	Hankamer
Blankenship	Harp
Bond	Harrell of Bastrop
Boyd	Harrell of Lamar
Boyer	Harris
Bradbury	Hartzog
Bradford	Holland
Bray	Howard
Bridgers	Hull
Brown	Hunt
of Nacogdoches	Johnson of Ellis
Bundy	Johnson of Tarrant
Cauthorn	Kerr
Cleveland	Kinard
Cockrell	King
Colquitt	Langdon
Colson, Mrs.	Lehman
Cornett	Leonard
Crossley	Leyendecker
Daniel	Lock
Davis of Jasper	Loggins
Dean	London
Derden	McAlister
Dickison	McDaniel
Dowell	McDonald
Dwyer	McFarland

Monkhouse	Skiles
Montgomery	Smith of Hopkins
Morris	Smith
Newell	of Matagorda
Nicholson	Stinson
Olsen	Stoll
Pace	Talbert
Petsch	Tarwater
Pevehouse	Taylor
Piner	Thornberry
Reader of Bexar	Thornton
Reader of Erath	Turner
Reed	Vale
Riviere	Waggoner
Roach	Wells
Roberts	White
Robinson	Wilson
Russell	Winfree
Segrist	

Nays—31

Bailey	Kern
Broadfoot	Kersey
Brown of Cherokee	Mays
Burkett	McMurry
Celaya	Mohrmann
Chambers	Oliver
Clark	Pope
Davis of Upshur	Reaves
Dickson	Rhodes
Fuchs	Spencer
Hale	Vint
Hardeman	Weldon
Hardin	Westbrook
Heflin	Wood
Howington	Worley
Kennedy	

Absent

Burney	Little
Coleman	Ragsdale
Corry	Schuenemann
Felty	Shell
Goodman	Smith of Frio
Harper	Tennant
Isaacks	Wright

Absent—Excused

Donaghey	McNamara
Keith	Voigt

#### HOUSE BILL NO. 228 WITH SENATE AMENDMENTS

Mr. Anderson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 228, A bill to be entitled "An Act authorizing certain cities to issue municipal bonds to fund the deficit in the wages of firemen and policemen of said cities; repealing all

laws in conflict herewith, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Anderson, the House concurred in the Senate amendments by the following vote:

Yeas—120

Allen	Howard
Allison	Howington
Alsup	Hull
Anderson	Isaacks
Bailey	Johnson of Ellis
Baker	Johnson of Tarrant
of Fort Bend	Kennedy
Baker of Grayson	Kern
Bell	Kerr
Blankenship	Kersey
Bond	Kinard
Boyd	King
Boyer	Langdon
Bradbury	Lehman
Bradford	Leyendecker
Bray	Little
Bridgers	Loggins
Broadfoot	Mays
Brown of Cherokee	McAlister
Brown	McDaniel
of Nacogdoches	McDonald
Bundy	McFarland
Burkett	McMurry
Cauthorn	Mohrmann
Chambers	Monkhouse
Clark	Montgomery
Cleveland	Morris
Cockrell	Newell
Colson, Mrs.	Nicholson
Cornett	Oliver
Crossley	Olsen
Daniel	Pace
Davis of Jasper	Petsch
Davis of Upshur	Pevehouse
Derden	Pope
Dickison	Reader of Bexar
Dickson	Reader of Erath
Dowell	Reaves
Dwyer	Reed
Faulkner	Rhodes
Ferguson	Riviere
Fielden	Roach
Fuchs	Roberts
Galbreath	Robinson
Gordon, Mrs.	Russell
Hale	Schuenemann
Hamilton	Segrist
Hankamer	Shell
Hardeman	Skiles
Harp	Smith of Hopkins
Harrell of Bastrop	Smith
Harrell of Lamar	of Matagorda
Harris	Spencer
Hartzog	Stoll
Holland	Talbert

Tarwater	Wells
Taylor	Westbrook
Turner	White
Vale	Wilson
Vint	Wood
Waggoner	Worley
Weldon	

Absent

Burney	Leonard
Celaya	Lock
Coleman	London
Colquitt	Piner
Corry	Ragsdale
Dean	Smith of Frio
Felty	Stinson
Gilmer	Tennant
Goodman	Thornberry
Hardin	Thornton
Harper	Winfree
Heflin	Wright
Hunt	

Absent—Excused

Donaghey	McNamara
Keith	Voigt

MESSAGE FROM THE SENATE

Austin, Texas, February 20, 1939.  
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 123, A bill to be entitled "An Act to authorize all independent school districts in certain counties to pay present outstanding legal indebtedness of the said school districts by refunding warrants to bear interest of not more than six (6%) per cent; etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

(Speaker in the Chair.)

HOUSE BILL NO. 92 ON SECOND READING

On motion of Mr. McAlister, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 92.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 92, A bill to be entitled "An Act amending Article 2618 of the Revised Civil Statutes of 1925, changing the status of John Tarleton



Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said College; and amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of 1925, changing the status of said junior college to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time.

Mr. Riviere offered the following amendment to the bill:

Amend House Bill No. 92, by inserting the words "and Lamar Junior College at Beaumont, Texas, in Jefferson County" after the comma following "County" in line 3, Section 1.

RIVIERE,  
KINARD,  
DAVIS of Jasper.

Mr. Johnson of Tarrant, raised a point of order, on further consideration of the amendment, on the ground that the amendment is not germane to the caption and the body of the bill, and seeks to appropriate money to a school not supported by the State.

The Speaker sustained the point of order.

Mr. McDonald offered the following amendment to the bill:

Amend House Bill No. 92, line 24, by striking out all of Section 1, lines 24 of page 1 of the printed bill to line 8 inclusive on page 2 of the printed bill.

Mr. Hull moved to table the amendment.

The motion to table prevailed.

Mr. Colquitt offered the following amendment to the bill:

Amend Section 1 of House Bill No. 92, lines 26, 27 to read, as follows: "The John Tarleton College located in Stephenville, Erath County, is hereby abolished, and all terms and conditions and appropriations are transferred to the North Texas Agricultural

College at Arlington, in Tarrant County and shall be under the direction of the Agricultural and Mechanical College of Texas."

Mr. Johnson of Tarrant raised a point of order, on consideration of the amendment, on the ground that the amendment seeks to change the original purpose of the bill.

The Speaker sustained the point of order.

Mr. Burkett offered the following amendment to the bill:

Amend House Bill No. 92, Section I, line 27 after the word "Erath County," by adding the words "and Ranger Junior College, Eastland County."

Mr. McAlister raised a point of order, on consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Johnson of Tarrant moved the previous question on the engrossment of House Bill No. 92, and the motion was duly seconded.

Mr. Morris raised a point of order, on consideration of the motion for the main question at this time, on the ground that the bill has not been given a fair and full discussion by the House.

The Speaker overruled the point of order.

Question recurring on the motion for the main question, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 68; Nays, 64.

A verification of the vote was requested.

Mr. Wood moved a call of the House for the purpose of maintaining a quorum pending the verification of the vote, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—66

Allen	Brown
Allison	of Nacogdoches
Boyer	Bundy
Bradford	Burney
Bridgers	Celaya
Broadfoot	Cleveland

Cockrell	London
Corry	Mays
Daniel	McAlister
Davis of Upshur	McDaniel
Derden	Monkhouse
Dickison	Newell
Dickson	Nicholson
Ferguson	Olsen
Fuchs	Pace
Goodman	Pevehouse
Hamilton	Ragsdale
Hankamer	Reader of Bexar
Hardin	Reader of Erath
Harper	Rhodes
Harrell of Bastrop	Riviere
Harrell of Lamar	Russell
Harris	Segrist
Holland	Stinson
Howington	Stoll
Hull	Taylor
Isaacks	Turner
Johnson of Ellis	Vale
Johnson of Tarrant	Weldon
Kinard	Wells
Langdon	White
Little	Wilson
Lock	Winfree
Loggins	

## Nays—65

Alsup	Kerr
Anderson	Kersey
Bailey	King
Baker	Lehman
of Fort Bend	McDonald
Baker of Grayson	McFarland
Blankenship	McMurry
Bond	Mohrmann
Boyd	Montgomery
Bradbury	Morris
Bray	Petsch
Brown of Cherokee	Pope
Burkett	Reaves
Cauthorn	Reed
Chambers	Roach
Clark	Roberts
Coleman	Robinson
Colquitt	Skiles
Colson, Mrs.	Smith of Hopkins
Cornett	Smith
Crossley	of Matagorda
Dwyer	Spencer
Faulkner	Talbert
Fielden	Tarwater
Galbreath	Tennant
Gilmer	Thornberry
Gordon, Mrs.	Thornton
Hale	Vint
Hardeman	Waggoner
Harp	Westbrook
Heflin	Wood
Hunt	Worley
Kennedy	Wright
Kern	

## Absent

Bell	Leonard
Davis of Jasper	Leyendecker
Dean	Oliver
Dowell	Piner
Felty	Schuenemann
Hartzog	Shell
Howard	Smith of Frio

## Absent—Excused

Donaghey	McNamara
Keith	Voigt

The Speaker announced that the motion for the main question prevailed.

Question then recurring on the engrossment of House Bill No. 92, yeas and nays were demanded.

House Bill No. 92 was passed to engrossment by the following vote:

## Yeas—76

Allen	Isaacks
Allison	Johnson of Ellis
Anderson	Johnson of Tarrant
Bell	King
Bond	Langdon
Boyer	Little
Bradbury	Lock
Bradford	Loggins
Bridgers	London
Broadfoot	Mays
Brown	McAlister
of Nacogdoches	McDaniel
Bundy	Monkhouse
Burney	Montgomery
Cauthorn	Newell
Celaya	Oliver
Cleveland	Pevehouse
Cockrell	Pope
Corry	Reader of Bexar
Crossley	Reader of Erath
Daniel	Reed
Dean	Rhodes
Derden	Russell
Dickison	Schuenemann
Dickson	Segrist
Dwyer	Skiles
Ferguson	Smith
Fielden	of Matagorda
Fuchs	Stinson
Gordon, Mrs.	Stoll
Hamilton	Talbert
Hankamer	Tennant
Hardin	Vale
Harrell of Bastrop	Waggoner
Harrell of Lamar	Weldon
Harris	Wells
Holland	White
Howington	Wilson
Hull	Wright

## Nays—55

Alsup	Kerr
Bailey	Kersey
Baker	Kinard
of Fort Bend	Lehman
Baker of Grayson	McDonald
Blankenship	McFarland
Boyd	McMurry
Bray	Mohrmann
Brown of Cherokee	Morris
Burkett	Nicholson
Chambers	Olsen
Clark	Pace
Coleman	Petsch
Colquitt	Reaves
Colson, Mrs.	Riviere
Cornett	Roach
Davis of Jasper	Roberts
Dowell	Robinson
Faulkner	Smith of Hopkins
Galbreath	Spencer
Gilmer	Tarwater
Hale	Taylor
Hardeman	Thornberry
Harp	Thornton
Heflin	Vint
Hunt	Westbrook
Kennedy	Wood
Kern	Worley

## Present—Not Voting

Davis of Upshur

## Absent

Felty	Piner
Goodman	Ragsdale
Harper	Shell
Hartzog	Smith of Frio
Howard	Turner
Leonard	Winfree
Leyendecker	

## Absent—Excused

Donaghey	McNamara
Keith	Voigt

Mr. Hull moved to reconsider the vote by which House Bill No. 92 was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

# MOTION TO PLACE HOUSE BILL NO. 92 ON THIRD READING

Mr. Johnson of Tarrant moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 92 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—78

Allison	Hunt
Anderson	Isaacks
Bell	Johnson of Ellis
Bond	Johnson of Tarrant
Boyer	King
Bradbury	Langdon
Bridgers	Lock
Bradford	Loggins
Broadfoot	London
Brown	Mays
of Nacogdoches	McAlister
Bundy	McDaniel
Burney	Monkhouse
Cauthorn	Montgomery
Celaya	Newell
Cleveland	Oliver
Cockrell	Pace
Coleman	Pevehouse
Corry	Pope
Crossley	Ragsdale
Davis of Upshur	Reader of Bexar
Dean	Reader of Erath
Derden	Reed
Dickison	Rhodes
Dowell	Russell
Dwyer	Schuenemann
Ferguson	Smith
Fielden	of Matagorda
Fuchs	Stinson
Gordon, Mrs.	Stoll
Hamilton	Talbert
Hankamer	Tennant
Hardin	Vale
Harper	Waggoner
Harrell of Bastrop	Weldon
Harrell of Lamar	Wells
Harris	White
Holland	Wilson
Howington	Winfree
Hull	Wright

## Nays—53

Allen	Dickson
Alsup	Faulkner
Bailey	Galbreath
Baker	Gilmer
of Fort Bend	Hale
Baker of Grayson	Harp
Blankenship	Heflin
Boyd	Kennedy
Bray	Kern
Brown of Cherokee	Kerr
Burkett	Kersey
Chambers	Kinard
Clark	Lehman
Colquitt	McDonald
Colson, Mrs.	McFarland
Cornett	McMurry
Davis of Jasper	Mohrmann

Morris	Smith of Hopkins
Nicholson	Spencer
Olsen	Tarwater
Petsch	Taylor
Reaves	Thornberry
Riviere	Thornton
Roach	Vint
Roberts	Westbrook
Robinson	Wood
Skiles	Worley

## Absent

Daniel	Leyendecker
Felty	Little
Goodman	Piner
Hardeman	Segrist
Hartzog	Shell
Howard	Smith of Frio
Leonard	Turner

## Absent—Excused

Donaghey	McNamara
Keith	Voigt

**INVITING HON. ALBERT B.  
CHANDLER TO ADDRESS  
THE LEGISLATURE**

Mr. Johnson of Ellis, by unanimous consent of the House, offered the following resolution:

H. C. R. No. 45, Inviting Hon. Albert B. Chandler to address the Legislature.

Whereas, It is reported that the Hon. Albert B. Chandler, Governor of the Commonwealth of Kentucky, will visit the State of Texas on the 27th day of February, 1939; and

Whereas, History and tradition have bound together by ties of irrevocable friendship the people of this great Commonwealth with the people of the State of Texas; now therefore be it

Resolved by the House of Representatives, the Senate concurring, That Governor A. B. Chandler be invited to address a Joint Session of the House and Senate on Tuesday, February 28, 1939, at the hour of 11:45 a. m.; and be it further

Resolved, That the Speaker of the House and the Lieutenant Governor of this State be authorized and requested to telegraph this invitation to Governor Chandler at Frankfort, Kentucky, and that a copy of this resolution be mailed to him.

POPE.

JOHNSON of Ellis.

The resolution was read second time, and was adopted.

**CHANGE IN STANDING  
COMMITTEES**

The Speaker announced the appointment of Mr. Smith of Hopkins, to the Committee on Insurance, to succeed Mr. Hardin, resigned; and the appointment of Mr. Hardin to the Committee on Labor to succeed Mr. Smith of Hopkins, resigned.

**BILLS AND RESOLUTION SIGNED  
BY THE SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 150, "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the operation, support and maintenance, including salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor, for miscellaneous equipment and ground and other improvements for said hospital, and declaring an emergency."

S. B. No. 105, "An Act forbidding suits on commissions for sale or purchase of real estate, oil and/or gas mining leases, oil and/or gas royalties, minerals or mineral interests, unless the promise or agreement on which such suit is brought is in writing and signed by the person sought to be charged therewith; and providing that this Act shall not apply to any such action pending in any court in this State at the effective date of this Act, and declaring an emergency."

S. B. No. 168, "An Act creating a Special Road Law for DeWitt County, and declaring an emergency."

S. C. R. No. 5, To provide for certain adjournment to commemorate Texas Independence Day.

**ADJOURNMENT**

On motion of Mr. Morris, the House, at 12:45 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Oil, Gas and Mining: House Bills Nos. 18 and 569.

Public Health: House Bill No. 142.

School Districts: House Bills Nos. 484, 520, 527, 544, 548 and 566; Senate Bill No. 178.

The Committee on Municipal and Private Corporations filed an adverse report on House Bill No. 87.

## REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 354, A bill to be entitled "An Act to permit the killing and annihilating of fox in Erath and Hood Counties, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 252, A bill to be entitled "An Act to authorize all county line independent school districts partly situated in three (3) or more counties, the supervision of said school being located in counties having a population of not less than seventeen thousand (17,000) nor more than seventeen thousand, five hundred (17,500), as shown by the last preceding Federal Census; to pay present outstanding legal indebtedness of said county line independent school districts, by refunding warrants to bear interest of not more than six (6%) per cent per annum, and to be payable out of a portion of the local maintenance taxes, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 194, A bill to be entitled "An Act authorizing the State Board of Barber Examiners to approve agreements fixing minimum prices for barber services and establishing opening and closing hours for barber shops; fixing territorial units for voting such agreement; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; prohibiting the advertising of prices; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer the provisions of this Act; regulating barber schools or barber colleges; providing for fine or imprisonment for violation of the provisions of this Act; providing for the suspension or revocation of licenses by the Board; and providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

## REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, February 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 150, "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the opera-

tion, support, and maintenance, including salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven (7) buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor; for miscellaneous equipment and ground and other

improvements for said Hospital, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

February 20, 1939

House Bill No. 150.

**In Memory of**  
**Hon. W. B. Silliman**

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Mr. Hardeman offered the following resolution:

H. S. R. No. 135, In memory of the Honorable W. B. Silliman.

Whereas, The House of Representatives has learned with regret of the death of W. B. Silliman on the 15th day of February, 1939; and

Whereas, W. B. Silliman was an honored and valued citizen of the State of Texas and his death is recognized as a distinctive loss to the State of Texas, particularly to West Texas where he spent the greater part of his life; and

Whereas, W. B. Silliman was born in Austin County on February 18, 1866, the son of Abraham F. and Mary Silliman, and was educated in the public schools of Austin County, attended Sam Houston State Normal School from which he graduated in 1886. He then went to San Angelo and taught school one term, and returned to Austin County where he remained about one year. He then removed to Sutton County where he served for four years in the office of County and District Clerk, during which time he studied law and was admitted to the bar. Judge Silliman then moved to Schleicher County where he opened an office in 1895 and founded the town of Eldorado, now a thriving city of about 1,500 population. He then became engaged in the ranching and cattle business. He was elected Representative in 1906 to the State Legislature, serving one term during which time he was active in support of the public schools of Texas. He served as a member of the Schleicher County School Board and was its President for many years. In 1908 he became President of the First National Bank of Eldorado in which capacity he served a number of years, and he also carried on an extensive brokerage business in land and livestock. Judge Silliman moved to Fort Stockton in 1925 where he became engaged in the practice of law and was recognized as a leader of the bar of Pecos County and appeared as counsel in many of the leading cases tried west of the Pecos; now, therefore, be it

Resolved, That we deeply regret the passing of this distinguished leader and extend our sincere sympathy to his bereaved family; and, be it further

Resolved, That a copy of this resolution be spread on the House Journal of today in memory of the deceased, and that the Chief Clerk send the immediate family of the deceased a copy of this resolution under the seal of the House of Representatives, and that when the House adjourns today it do so in respect and in memory of Judge W. B. Silliman.

HARDEMAN,  
GOODMAN,  
GILMER.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry,

Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. King, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.